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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,747	01/12/2004	Ieon Chen	EQUUS-074A	9631

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EXAMINER	
KING, ANITA M	

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/755,747	CHEN, IEON	
	Examiner	Art Unit	
	Anita M. King	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This is the fifth office action for application number 10/755,747, Automotive Gauge Mounting Bracket with Frictional Fit Apertures, filed on January 12, 2004.

Drawings

The drawings were received on September 15, 2005. These drawings are acceptable.

Cancellation of Claims

Claim 2 has been canceled per applicant's request.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,507,706 to Trexler, Jr. in view of U.S. Patent 5,702,076 to Humber. Trexler discloses an automotive gauge mounting structure (10) engageable to an automotive vehicle interior, the structure comprising: a bracket (20); at least one gauge receiving aperture (22) formed in the bracket; a gauge (12); wherein the aperture is generally circularly shaped; wherein each one of the apertures is of generally equivalent size, and wherein the bracket includes three gauge receiving apertures formed therein. Trexler discloses the claimed invention except for the limitation of the aperture defining a plurality of displaceable segments. Humber teaches a insulator (10) for insertion into

an aperture of a plate, the insulator including at least one receiving aperture (22) formed in the bracket, the aperture defining a plurality of displaceable segments (18) and recesses extending therebetween, the segments being displaceable in response to insertion of a cylindrical object into the aperture for friction-fit engagement, wherein the recesses define a plurality of outer arcuate recesses and the displaceable segment defines a plurality of displaceable inner arcuate segments disposes intermediate arcuate recesses, and wherein the segments are equidistantly spaced around the aperture. It would have been obvious to one having ordinary skill in the art to have included the insulator as taught by Humber for the purpose of providing a means holding a cylindrical object such as a gauge rigidly in position and to accommodate different sized objects.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trexler combined with Humber and in further view of Longo. Trexler in view of Humber disclose the claimed invention except for the limitation of recesses being provided with a series of radial cuts. Longo teaches that it is known to have a bracket (22) having a receiving aperture including a plurality of displaceable segments and recesses extending therebetween, wherein the recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments therebetween, and wherein the radial cuts are of generally equal length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in Trexler combined with Humber to have included the recesses as taught by Longo for the purpose of providing an alternative, mechanically equivalent arrangement for rigidly

supporting a cylindrical object such as a gauge within the aperture to prevent unwanted detachment of the gauge from the bracket.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trexler combined with Humber and in further view of U.S. Patent 3,603,551 to Peterson. Trexler combined with Humber discloses the claimed invention except for the limitation of the recesses defining a cross-shape aperture. Peterson teaches that it is known to have a bracket including at least one receiving aperture formed in the bracket, the aperture defining a plurality of displaceable segments and recesses extending therebetween, the segments being displaceable in response to insertion of a cylindrical object, and the recesses define a cross-shape aperture, having a plurality of displaceable interior segments. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in Trexler combined with Humber to have included the recesses as taught by Peterson for the purpose of providing an alternative, mechanically equivalent arrangement for rigidly supporting a cylindrical object such as a gauge within the aperture to prevent unwanted detachment of the gauge from the bracket.

Claims 1, 3, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, hereafter, APA, in Figs. 1 and 2 in view of U.S. Patent 3,365,761 to Kalvig. APA discloses an automotive gauge mounting structure comprising: a bracket (15); at least one gauge receiving aperture (19) formed in the bracket; a gauge (13a-13c) having a gauge diameter and the aperture having an inner diameter being less than the gauge diameter; wherein the aperture is generally

circularly shaped; wherein the structure comprises three gauge receiving apertures of generally equivalent size; wherein the bracket defines an interior side and an exterior side; and wherein the bracket defines a receiving surface about the periphery of the aperture to receive a lip (21) of the gauge.

APA discloses the claimed invention except for the limitation of the aperture having a plurality of displaceable segments and recesses extending between therebetween. Kalvig teaches a bracket (2) having at least one receiving aperture (17) formed in the bracket, the aperture defining a plurality of displaceable segments (21) and recesses (19) extending therebetween, the segments being displaceable in response to insertion of a shaft element (23) into the aperture for friction-fit engagement of the element to the bracket, the element having a diameter and the recesses defining an aperture inner diameter, the aperture inner diameter being less that the element diameter, wherein the recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments, wherein the segments are equidistantly spaced around the aperture, wherein the bracket defines a interior side and an exterior side and the segments are displaceable toward the interior side of the bracket (Fig. 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in APA (Fig. 1 and 2) to have included the displaceable segments and recesses as taught by Kalvig for the purpose of providing an alternative mechanically equivalent means for retaining the gauge within the bracket and for the purpose of providing a means for easier installation of the gauge within the aperture of the bracket.

Response to Arguments

Applicant's arguments filed September 15, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Humber and Kalvig are used to provide a means for insuring a more secured mounting between a cylindrical object and the aperture it is inserted therethrough, which is well known in the art.

In response to applicant's arguments that Humber rigidly holds a pipe in position, the term rigidly does not mean permanent, the pipe in Humber is inserted in the aperture and the segments prevent the pipe from sliding within the aperture when the desired position is met, the pipe can be removed.

In regards to applicant's argument that the combination of the Trexler reference with the Humber reference would make the Trexler reference inoperable, the examiner disagrees, the gauges in the Trexler reference would still be interchangeably mounted within the aperture because the segments in Humber are not intended to permanently retain the pipe within the aperture. The segments in Humber are flexible and resilient

thus making it easy for the pipe/gauge to be interchangeable. Also, no where in the Humber reference does it state that the pipe can only be removed by further pushing the pipe in a forward direction nor that the segments in Humber may break or deform by removing the pipe in a reverse direction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,284,890 to Greenleaf

U.S. Patent 4,939,934 to Ritzenthaler et al.

U.S. Patent 4,807,421 to Araki et al.

U.S. Patent 6,053,043 to Dannenberg et al.

Greenleaf discloses a locking device for a case of a cylindrical object. Ritzenthaler et al. disclose an instrument holder for a display unit in a vehicle. Araki et al. disclose a bottle holder having resilient segments. Dannenberg et al. disclose a lock bezel for an instrument gauge.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita M. King
Primary Examiner
Art Unit 3632

November 28, 2005